

1 on or about March 21, 1995?

2 A Yes, I do.

3 Q In a summary way, can you tell us what this
4 document is?

5 A This document is a, um -- ah -- an amendment
6 filed, ah -- ah, for all of what I had identified as the
7 affected, ah, applications that had the incorrect, ah,
8 emission designators, ah, in them.

9 Q And I --

10 A It was intended to, ah, to correct the -- the
11 emission designator problem.

12 Q All right. And I see there, on the bottom of the
13 page of your transmittal letter, you have identified both
14 the incorrect and the corrected designators, is that --

15 A Yes.

16 Q -- okay. (Brief silence.) Now, the -- the second
17 page of your letter says you have enclosed a check sheet
18 which identifies each application to be amended.

19 Can you just look through the exhibit here and see
20 if the check sheet that you are referring to is in this
21 exhibit? And, of course, as you know, counsel for Liberty
22 has already stated on the record that they do not believe
23 that this document here is complete. So, I am not trying to
24 suggest anything. I am just trying to see if it is there,
25 in this document.

1 A Um -- yes, ah, I believe it is. Yes, it's in
2 here.

3 Q Can you tell us where it is?

4 A Um, it's toward the back. Um -- five pages from
5 the back.

6 Q Now, is this the page that says, "Liberty Cable
7 Co., Inc., Pending 18 Gigahertz Applications?"

8 A Yes.

9 Q And it has, at the very bottom on the left side,
10 "MJL revised: 3/21/95?"

11 A Ah, that's not on my copy.

12 MR. BECKNER: Would somebody else look at their
13 copy and see if they have it?

14 MR. HOLT: Your Honor, our copies in the lower
15 left hand corner have an "MJL". Does yours?

16 THE WITNESS: No.

17 MR. HOLT: It might have been a photocopy error.

18 MR. BECKNER: Your Honor, could I just approach
19 the witness with my copy, just so he could look at it?

20 JUDGE SIPPEL: Yes, yes, let us compare it and see
21 what he has got.

22 MR. BECKNER: That is what I am saying, just to
23 compare it. Thank you.

24 BY MR. BECKNER:

25 Q I am going to show you another copy of this.

1 A Okay. Yes.

2 Q It appears that the bottom half an inch of the
3 page has been cut off at the copy line.

4 A Uh-huh (yes).

5 Q Is that correct?

6 A Yes, uh-huh.

7 JUDGE SIPPEL: Which portion are you saying has
8 been cut off? Just that little notation at the very bottom?

9 MR. BECKNER: Yes, sir.

10 JUDGE SIPPEL: Which reads what? What does that
11 read?

12 MR. BECKNER: "MJL revised: 3/21/95." And the
13 copy that he has and that you have does not have that line.

14 JUDGE SIPPEL: All right. Do you want to question
15 him about that line?

16 MR. BECKNER: Yes, just briefly.

17 JUDGE SIPPEL: Well, all right, what we are going
18 to have to do is have that page that he is testified to
19 substituted in two copies with the reporter.

20 MR. BECKNER: Okay.

21 JUDGE SIPPEL: In other words, that have been
22 received into evidence. And then, before -- and,
23 ultimately, everybody is going to have to get that.

24 MR. BECKNER: Right. Well, is there any objection
25 to that, Mr. Begleiter?

1 MR. BEGLEITER: None whatsoever.

2 JUDGE SIPPEL: Well, work it out. All right,
3 leave it in front of the witness. Do you have another one
4 that you can work with?

5 MR. BECKNER: No, that is all right. I will just
6 borrow my colleague's.

7 JUDGE SIPPEL: Does your colleague have one?

8 MR. BECKNER: Not with the --

9 JUDGE SIPPEL: You are the only one that has that?

10 MR. BEGLEITER: Mine bears that notation, Your
11 Honor.

12 JUDGE SIPPEL: All right.

13 MR. HOLT: Mine also bears the notation.

14 MR. KEAM: There should be four copies which
15 Liberty's counsel brought this morning that bear that last
16 line. And there are eight copies floating around without
17 it, due to the copying machine here at the Commission.

18 JUDGE SIPPEL: Well, you need one to work with.

19 MR. BECKNER: I can just borrow one from someone.

20 JUDGE SIPPEL: Take one from Mr. Holt, there. You
21 can borrow his.

22 MR. BECKNER: Oh, okay, I will use that one.

23 MR. KEAM: I will just go make copies.

24 I apologize, Your Honor.

25 JUDGE SIPPEL: That is all right.

1 MR. BECKNER: I did not even know that that
2 problem existed until we got to it.

3 JUDGE SIPPEL: All right. Well, could you just
4 read that again into the record and I am just going to write
5 this on my own copy.

6 MR. BECKNER: Certainly.

7 Mr. Lehmkuhl, what I have been asking you about
8 is, you identified a page that I think you said is the list
9 referred to -- the check sheet referred to on the second
10 page of your cover letter. And you have identified a page
11 in the document that has at the top, "Liberty Cable Co.,
12 Inc., Pending 18 Gigahertz Applications."

13 And I had asked you whether or not you saw on your
14 copy, at the lower left corner, the letters -- capital
15 letters, "MJL", and then the word, "revised:", and then what
16 appears to be a date, "3/21/95."

17 And I believe you testified that your copy does
18 not include that line. And then I brought up to you, with
19 the presiding judge's permission, my copy of the same page
20 and showed it to you. And so, now, what I want to do is
21 just ask you about that, if that is all right, Your Honor?

22 JUDGE SIPPEL: You may.

23 MR. BECKNER: All right. Thank you.

24 BY MR. BECKNER:

25 Q Is "MJL revised: 3/21/95" -- are those your

1 initials there?

2 A Yes.

3 Q Okay. And does that indicate that this particular
4 list was revised on March 21, '95?

5 A Yes.

6 Q And is this list here generated from that computer
7 database program that you talked about earlier?

8 A Yes, it is.

9 Q All right. Now, I note that the cover letter that
10 you wrote to the FCC, as well as the COMSEARCH letter to the
11 FCC that appears to be written by Joe Boccardi, indicates a
12 copy to Mr. Behrooz Nourain.

13 A Yes.

14 Q Did you in fact send a copy of this application to
15 Mr. Nourain? Or these amendments, rather?

16 A Ah, yes, I did, um, on page two.

17 Q All right.

18 A I've identified that.

19 Q Did you and Mr. Nourain discuss this document that
20 has been marked as Exhibit 37 at any time after you filed
21 it?

22 A I don't recall.

23 Q You do not recall any such discussion?

24 A No.

25 Q All right. (Brief silence.) Turning back to what

1 you called the checked sheet, I just want to identify an
2 item in the column -- "PN Acceptance" -- "PN Accept Date".
3 What does that refer to?

4 A That refers to the, ah, date of the public notice,
5 ah, wherein, ah, the application was accepted for filing.

6 Q Okay. And that public notice date then starts the
7 clock running for the period within which anyone who wants
8 to petition to deny the application must file such a
9 petition, correct?

10 A Yes.

11 Q All right. (Brief silence.) And with respect to
12 these corrected applications, I take it that you never
13 discussed the possibility that STA requests might be
14 appropriate to deal with this situation that arose in March
15 of 1995?

16 A I don't recall making -- having, ah, such a
17 discussion.

18 Q Okay. And you testified earlier that -- before we
19 took the lunch break -- that you had the belief that, in
20 light of the fact that Time Warner Cable was petitioning to
21 deny Liberty's applications, that an STA request would not
22 be a fruitful exercise.

23 A That was my belief, yes.

24 Q Okay. And do you know whether or not that belief
25 also caused you not to consider STA requests in conjunction

1 with these applications that were affected by this emission
2 designator problem?

3 A Um, I -- I don't recall, but I -- yes, I -- I -- I
4 would agree with that.

5 Q And when you sent the letter to Mr. Nourain, did
6 you send him the complete package --

7 A Yes.

8 Q -- that was sent to the FCC? So, you would have
9 sent to Mr. Nourain -- his package would have included this
10 schedule of pending applications that you have talked about
11 here?

12 A Yes.

13 Q All right. Now, as far as you know, aside from
14 the applications listed on the check sheet, were there any
15 other applications that were affected -- any other Liberty
16 applications that were affected by this emission designator
17 problem?

18 A No.

19 Q What about any applications that might have been
20 filed after March 21, 1995? Would they have been affected
21 by the problem? Or would the --

22 A It's --

23 Q -- designator have been corrected by then?

24 A It's possible that they might have been affected
25 by that, but I believe the emission designator problem was

1 corrected by then, yes.

2 Q Okay, let me ask you specifically -- you recall
3 that you filed an application on March 23, 1995, for Liberty
4 Cable for a path to 200 East Thirty-Second Street.

5 A I don't recall that, but --

6 Q Well, do you recall filing another application for
7 Liberty Cable within a few days of when you filed
8 Exhibit 37?

9 A No, I don't recall, I mean, aside from what you,
10 ah, have just informed me.

11 Q Okay. Well, if you had filed any application for
12 Liberty Cable after March 21, 1995, since you knew about the
13 emission designator problem, would you have checked the
14 COMSEARCH emission designator information to make sure that
15 is was correctly designated?

16 A Ah, yes.

17 Q Okay. And if it had not been correctly
18 designated, would you have fixed it?

19 A I -- I would assume so, yes.

20 Q So, based on that, what likelihood do you think
21 there is that any application filed on Liberty Cable's
22 behalf after March 21, 1995, would have had an emission
23 designator problem in it?

24 A Um, there might be some likelihood I -- I may have
25 missed it. If -- if it had, but -- I mean, I -- I would

1 have been aware of it, but, ah, it's possible that I could
2 have missed it and it could have had the wrong emission
3 designator. If there was, I don't know.

4 Q Now, there was another application filed on
5 March 24, 1995, for 2727 Palisades Avenue. Do you happen to
6 remember filing --

7 A No, I don't.

8 Q -- that? Okay. You just do not remember filing
9 any applications to Liberty after March 21 specifically?

10 A I know that I filed applications. I don't
11 remember specific applications.

12 Q Okay. And I take it that your belief is, is that
13 with respect to any applications filed after March 21, you
14 believe you would have checked the emission designator in
15 the applications to make sure it was the right one?

16 A Yes.

17 (Continued on next page.)

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1 Q Okay. Forgive me if I -- did you discuss Exhibit
2 37 with Mr. Nourain after you sent him to him at all?

3 A I don't recall specifically. Actually, I may have
4 because I do remember that it was mentioned in my April 28th
5 memo.

6 Q Okay. Well, let's -- since you -- let's go ahead
7 and turn to the April 28th memo which is Time
8 Warner/Cablevision Exhibit 34 at Tab 34 in the large
9 notebook. Now, you said in your answer to my last question
10 that you think maybe you did discuss this Exhibit 37 at
11 about the time that you were preparing Exhibit 34, the April
12 28 memo. Did I hear you correctly?

13 A No, I don't --

14 Q All right. Well --

15 A -- recall saying that. I mean --

16 Q I'm sorry. I didn't mean to mischaracterize your
17 testimony. Withdrawn. What do you recall about any
18 discussion you may have had with Mr. Nourain concerning this
19 March 21, 1995 document that's been marked as Exhibit 37?

20 A March 28th?

21 Q March 21.

22 A Or March 21?

23 Q Yes, Exhibit 37.

24 A Oh, all right. Ask me the question again please.

25 Q Yes. What do you recall about any discussion you

1 might have had with Mr. Nourain about this document?

2 A I don't recall much of a discussion with him.

3 That doesn't mean to say I didn't have one. But I'm -- I'm
4 assuming I outlined the problem with him and what -- and
5 what needed to be done to correct this, the emission
6 designator problem.

7 Q Well, did you -- my question was did you discuss
8 this document itself after you sent it to him?

9 A I don't recall discussing this document
10 specifically with Mr. Nourain.

11 Q Okay. Do you recall discussing the problem that
12 the document relates to --

13 A Yes.

14 Q Okay. After you sent it to him?

15 A After I sent it to him?

16 Q Yes, sir.

17 A Yes, I believe I probably did.

18 Q Okay. Well, tell us what you recall about that
19 discussion.

20 A I don't recall specifically, but I probably would
21 have given him an update on what was happening with the --
22 the applications that were being amended.

23 Q And when would you have given him this update?

24 A I don't recall.

25 Q Was there any new information that you had to give

1 him about these amended applications after March 21st?

2 A Yes. At some point there would have been, yes.

3 Q Okay. And what -- what was this new information?

4 A The new information -- well, in my April 28th
5 memorandum, I think I outlined that; the fact that these
6 amendments were not minor, that all of the applications had
7 to appear again on public notice and would delay the grant
8 of the applications at least another 30 days --

9 Q And do you --

10 A -- notwithstanding the fact that they had been
11 petitioned against by Time Warner and Cablevision.

12 Q Did you -- did you give this information to Mr.
13 Nourain orally in addition to what was said in the April
14 28th memorandum?

15 A I believe so.

16 Q Okay. When -- when did you tell him this
17 information orally?

18 A When we -- when we had our discussion that
19 prompted my writing the April 28th memo.

20 Q Okay. All right. Fine. Let's talk about that
21 discussion. You said some things about in your direct
22 testimony -- I have some more questions about some of the
23 materials. Was this a -- was this a discussion that was
24 initiated by you or by Mr. Nourain?

25 A I don't recall specifically.

1 Q It was a telephone conversation?

2 A Yes, it was.

3 Q Okay. What did Mr. Nourain -- how did Mr. Nourain
4 begin the conversation? What did he -- what did he say he
5 wanted or what did he say had happened? I mean, how did
6 this get started from him?

7 A Not -- well, I'm not sure what he said at first.
8 I mean, I don't recall a whole lot of details about that
9 conversation. My impression was that we discussed the fact
10 that Liberty wanted the STAs filed and that I think Mr.
11 Nourain expressed some agitation that a lot of this delay
12 had -- that there was delay in the granting of these
13 applications.

14 Q Did Mr. Nourain tell you that -- about any
15 particular event that -- that precipitated this concern that
16 he was expressing to you about delay?

17 A No.

18 Q Did he mention that he had received any document
19 or any other information about some source?

20 A No.

21 Q Didn't talk to you about any kind of a fax that he
22 might have gotten?

23 A No.

24 Q Okay. Did he indicate to you in that conversation
25 that before talking to you, he had assumed that STA requests

1 were already on file for these applications -- for these
2 paths?

3 A I don't recall specifically.

4 Q Well --

5 A No.

6 Q Okay.

7 A I don't recall.

8 Q All right. I mean, I take it from your answer to
9 about three questions ago that he asked you to file STA
10 requests for these paths, right?

11 A He asked -- for these paths, yes.

12 Q Okay.

13 A But he didn't ask about any STAs -- whether STAs
14 had been filed previously.

15 Q Okay. But when he asked you to file STA requests
16 for these paths, did he indicate that he knew that STA
17 requests were not already pending for these paths?

18 A I would assume that would be the case, yes.

19 Q Well, did you tell him in that conversation that
20 there were no STA requests pending for that -- for those
21 paths?

22 A I don't recall specifically.

23 Q You don't recall telling him that?

24 A No, I don't.

25 Q And you don't recall him saying that he thought

1 that STA requests had already been filed for these paths.

2 A I don't recall that specifically either.

3 Q Okay. And so there was no disagreement between
4 you that you were aware of in the sense that Mr. Nourain
5 thought that you were doing something that you didn't
6 understand that you were supposed to be doing, namely
7 applying for STAs concurrently with filing these
8 applications.

9 A I don't know. That conversation happened quite a
10 long time ago. And I really don't remember any of the
11 details of that conversation. The best way I can refresh my
12 memory is by looking at the memo that I prepared on April
13 28th.

14 Q Well, before you do that, let me just ask you a
15 couple of questions. You've dealt with other clients as a
16 lawyer, right?

17 A Yes.

18 Q Okay. And -- and have you had the experience that
19 when a client is unhappy with what you've done or what you
20 failed to do -- has that ever happened to you?

21 A Yes.

22 Q Okay.

23 MR. BEGLEITER: Your Honor, I'm going to object to
24 this line of questioning. He's asking general questions
25 about whether reactions of lawyers to clients --

1 MR. BECKNER: I think you're -- the next question
2 I think will cure whatever problem Mr. Begleiter might have.

3 JUDGE SIPPEL: I'm going to permit it. It's cross
4 examination. I'm going to permit it.

5 BY MR. BECKNER:

6 Q And in those instances where a client has told you
7 that he or she is unhappy with what you've done or not done,
8 I mean, you remember that, don't you? I mean, that's
9 something that sticks in your mind, isn't it?

10 A Yes.

11 Q I mean, you don't get calls like that every week,
12 do you?

13 A No.

14 Q Okay. So if Mr. Nourain had called you and said,
15 you know, you were supposed to be doing something and you
16 didn't do it and I'm unhappy about that, you would have
17 remembered that, would you not?

18 A Probably.

19 Q Okay.

20 A But again, this was -- this was well over a year
21 ago.

22 Q Now, you said that Mr. Nourain had -- had -- I
23 think you used the term, "was agitated", in this call.

24 A Yes.

25 Q Okay. Did -- did you ask him, you know, why was

1 he agitated or upset?

2 A No. He sounded that way on a number of occasions.

3 Q So it was not anything unusual for you to have him
4 call and for him to be agitated.

5 A Right. That's correct.

6 Q All right. And I take it that he didn't express
7 to you any reason at all for his agitation for this
8 particular call that we're talking about.

9 A He may have. I think he -- I don't recall, but
10 yes. He was agitated about the status of the -- of the
11 licenses, the fact that none of them had been granted that -
12 - that -- that none of the licenses had been granted; that
13 they were still pending.

14 Q Did he express, you know, anything to the effect
15 that his bosses were asking him questions about what was
16 going on or why these delays were happening?

17 A I don't -- I don't recall that specifically.

18 Q Okay. You don't recall him mentioning any kind of
19 problem with his superiors?

20 A No.

21 Q Okay. And I think you already testified that you
22 don't recall him mentioning anything about the fact that --
23 that some of these paths were already turned on by him.

24 A No, I did not.

25 Q Okay. Did he mention anything to you about the

1 fact that -- that his company was contractually obligated to
2 provide service to some of these addresses and was unable to
3 do so because of the lack of a license?

4 A No, I don't believe so. I think that was implied,
5 but I don't think he ever said that.

6 Q Okay. Now, are you saying that in that call -- in
7 that first call he told you to go ahead and file STA
8 requests for these --

9 A Yes.

10 Q -- for these paths?

11 A Yes.

12 Q Okay. Now, in the call, did you know specifically
13 what paths he was referring to or did he give you a list or
14 tell you what paths he was referring to?

15 A I don't recall. I believe he may have given me a
16 list. I don't recall because at this point, I don't know
17 whether he gave me specific paths or specific, you know,
18 applications. I don't recall. They were probably paths
19 that he identified, the buildings.

20 Q So he would say -- I mean, this -- hypothetically
21 he would say I need -- I need an STA request for the path to
22 44 West Ninety-sixth Street --

23 A Yes.

24 Q -- for example?

25 A Yes.

1 Q Okay. When you say that he may have given you a
2 list, do you mean he would have given you a list sort of
3 orally over the phone --

4 A Yes.

5 Q -- or actually given -- not a written document?

6 A No.

7 Q When he -- when he -- when he gave you a list, did
8 he appear -- did he sound to you like he was reading from a
9 document or was he doing it all from memory?

10 A I couldn't speculate on that. There were many
11 times when we talked about specific paths and he would
12 rattle the paths off. I have no way of knowing.

13 Q So, I mean -- okay. Now, when -- when he -- when
14 he asked you to file these STA requests for these paths, did
15 you tell him that your view was is that those requests would
16 be futile because of the fact that Time Warner and
17 Cablevision had petitioned to deny the applications?

18 A Yes.

19 Q And what did he say to that?

20 A I don't recall what he said to that.

21 Q I mean, you don't know whether he said, well, I
22 don't care; I want to file them anyway or --

23 A I mean, I would -- I don't recall what he said.

24 Q And you don't recall whether or not he said, oh,
25 gee, I didn't know that they had -- that they had petitioned

1 to deny all these applications?

2 A No, I don't recall that either. I mean, I know --
3 like I had -- like I've said before, he -- you know, he was
4 aware of the I-block problem. We had talked about that. So
5 I assumed that he was aware of the problem that the
6 petitions to deny had caused.

7 Q After he made the request of you to -- to file STA
8 -- STA requests with the FCC, was there any information you
9 needed from him in order to do that aside from the --

10 A I don't recall specifically.

11 Q I mean, he had given you the addresses, right?

12 A Yes.

13 Q Okay. And it wasn't simply that he said, well, I
14 want STA requests for all of our pending applications or all
15 of the applications of Time Warner's petition to deny?

16 A I'm very -- I'm really not very clear on -- on --
17 on how that happened. I mean, I believe he gave me or he
18 identified for me the specific paths, but I'm not completely
19 sure.

20 Q Okay. Forgive me if you already answered this.
21 I'm trying to date this conversation. We have this memo
22 that you did on April 28 which we've determined -- we've
23 established was a Friday. Was the conversation that we've
24 been talking about in your testimony, did that happen the
25 same week do you think?

1 A Yes.

2 Q Okay. Now, in the conversation, aside from asking
3 you to file STA requests for these paths, what else, if
4 anything, did he ask you to do?

5 A I -- I don't recall.

6 Q Well, why don't you take a look at the first page
7 of Exhibit 34 which is your memo of April 28th and tell me
8 if the first sentence of that refreshes your recollection.

9 A Yes, well we -- we talked about -- we talked about
10 what would happen with future applications.

11 Q Well, I was directing your attention to the first
12 sentence that says, "You've asked me to prepare a summary of
13 the status of Liberty's" --

14 A Yes.

15 Q Did -- did you remember him making that request of
16 you in the phone call that we've been talking about or was
17 there another phone call later?

18 A I -- I don't recall. I have to assume that it was
19 the phone call that preceded this memo.

20 Q Well, and let me just ask, was there more than one
21 phone call between you and Mr. Nourain that preceded the
22 memo?

23 A I don't recall.

24 Q You don't recall one way or the other?

25 A No, I -- no.

1 Q All right. Do you remember him asking you to
2 prepare a summary of the status of the pending applications?

3 A Not specifically, no.

4 Q Okay. At the time that you prepared this summary,
5 had he -- had he said or told you anything that would give
6 you any understanding of why he wanted the summary; what he
7 was planning to do with it?

8 A No.

9 Q Now, looking at the second page -- pardon me, the
10 second paragraph of your memo that's been marked as Exhibit
11 34 -- and this refers back to something you testified about
12 earlier -- you're talking about this emission designator
13 problem and about the requirement that these applications
14 would have to be on public notice once again. And let me
15 just ask you, was this information that's in paragraph 2 --
16 do you recall conveying it -- pardon me -- to Mr. Lehmkuhl
17 in an oral form prior to this memorandum?

18 A To Mr. Nourain?

19 Q Yes.

20 A I don't recall either way. It's possible.

21 Q Now, the memorandum is also CCed to Peter Price.
22 Do you know why that was done?

23 A No, I don't recall why that was done.

24 Q Did you have any conversations with Mr. Price
25 during the week in which this memo was prepared?

1 A No, I did not.

2 Q Do you know whether or not anyone else at your
3 firm had these conversations during that week?

4 A I don't know specifically, no.

5 Q All right. Now, the -- the third paragraph
6 reports on a conversation or inquiry that you and Howard
7 Barr made about getting STA for pending applications. Did -
8 - did you in fact make that inquiry or did Mr. Barr make the
9 inquiry?

10 A I don't recall.

11 Q Do you recall when that inquiry was made? Was it
12 made during the week in which the memo was prepared or some
13 earlier time?

14 A I don't recall. It's possible it was made at some
15 earlier time.

16 Q Now, the recommendation here at the end of this
17 paragraph is that -- that a request should be made. It
18 would be fair to say, would it not, based on your prior
19 testimony that this represents a change of view on your part
20 as compared to what you thought previously?

21 A Yes, it does.

22 Q Okay. And can you tell us what it was that
23 changed your view on this subject?

24 A Yes. I had a -- Howard Barr and I discussed it.
25 And we determined that this was the only course of action to

1 take.

2 Q When you -- when you and Mr. Barr discussed this
3 subject, did it appear to you that Mr. Barr had any
4 additional information about the Liberty situation that you
5 did not have?

6 A He knew -- he was much more familiar with the
7 status of the petitions to deny filed by Time Warner and I
8 believe was in contact with other attorneys for Liberty in
9 formulating responses to those petitions.

10 Q Now, at the bottom of the first page of the memo,
11 you also say that Mr. -- Mr. Nourain has asked you to set
12 forth a process and time table for future applications. Do
13 you recall the conversation in which Mr. Nourain made this
14 request of you?

15 A I believe it was the same conversation that I had
16 with him that I -- that prompted this memo.

17 Q Did -- did anybody else other than you write or
18 review any part of the text of this memorandum at your firm?

19 A Yes.

20 Q Okay. Tell us who else worked on it.

21 A Howard Barr.

22 Q Now, did he actually write original text or did he
23 simply review what you had already written?

24 A I believe he reviewed it.

25 Q Okay. And were you keeping Mr. Barr informed on a